

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

**Plaintiff,**

-VS-

SANTOS GOMEZ, JR.,

Defendant.

No. 2:14-CR-0057-WFN-2

A motion hearing was held July 29, 2014. The Defendant, who is in custody, was present and represented by Jeffery Galloway on behalf of Carl Oreskovich; Assistant United States Attorney Stephanie Van Marter represented the Government on behalf of Caitlin Baunsgard.

The Court addressed Defendant's pending Motion to Dismiss which only applies to Defendant Gomez. ECF No. 66. The Court shared initial thoughts that the issue raised appeared to be a trial issue. The parties agreed. The Court has reviewed the file and Defendant's Motion and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that:

1. Defendant's Motion to Dismiss, filed June 27, 2014, ECF No. 66, is **DENIED** as the applicability of the defenses raised are a trial issue.

2. The pretrial conference and motion hearing set on **September 2, 2014, at 10:00 a.m.**, is **CONFIRMED**.

The District Court Executive is directed to file this Order and provide copies to counsel.

1           **DATED** this 29th day of July, 2014.  
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5           07-29-14

3           s/ Wm. Fremming Nielsen  
4           WM. FREMMING NIELSEN  
5           SENIOR UNITED STATES DISTRICT JUDGE  
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